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Board of Vocational Nursing
and Psychiatric Technicians

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**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. PT 2008-1695

**AMANDA LEIGH CARVEL
P.O. Box 104
Pismo Beach, CA 93448
Psychiatric Technician License No. PT
33049**

A C C U S A T I O N

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about February 2, 2006, the Board of Vocational Nursing and Psychiatric Technicians issued Psychiatric Technician License Number PT 33049 to Amanda Leigh Carvel (Respondent). The Psychiatric Technician License was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2011, unless renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board of Vocational Nursing and Psychiatric
3 Technicians (Board), Department of Consumer Affairs, under the authority of the following laws.
4 All section references are to the Business and Professions Code unless otherwise indicated.

5 4. Section 4520 of the Business and Professions Code (Code) provides, in pertinent part,
6 that the Board may discipline any licensed psychiatric technician for any reason provided in
7 Article 3 (commencing with section 4520) of the Psychiatric Technicians Law (Code § 4500, et.
8 seq.)

9 5. Section 118, subdivision (b), of the Code provides that the suspension, expiration,
10 surrender and/or cancellation of a license shall not deprive the Board of jurisdiction to proceed
11 with a disciplinary action during the period within which the license may be renewed, restored,
12 reissued or reinstated.

13 **STATUTES & REGULATIONS**

14 6. Section 4521 of the Code states:

15 "The board may suspend or revoke a license issued under this chapter [the Psychiatric
16 Technicians Law (Bus. & Prof Code, 4500, et seq.)] for any of the following reasons:

17 "(a) Unprofessional conduct, which includes but is not limited to any of the following:

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19 "(4) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
20 physician and surgeon, dentist, or podiatrist administer to himself or herself or furnish or
21 administer to another, any controlled substance as defined in Division 10 (commencing with
22 Section 11000) of the Health and Safety Code or any dangerous drug as defined in Section 4022 .

23 (5) Use any controlled substance as defined in Division 10 (commencing with Section
24 11000) of the Health and Safety Code, or any dangerous drug as defined in Section 4022, or
25 alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any
26 other person, or the public or to the extent that the use impairs his or her ability to conduct with
27 safety to the public the practice authorized by his or her license.

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1 “(f) Conviction of any offense substantially related to the qualifications, functions, and
2 duties of a psychiatric technician, in which event the record of the conviction shall be conclusive
3 evidence of the conviction. The board may inquire into the circumstances surrounding the
4 commission of the crime in order to fix the degree of discipline.

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6 7. California Code of Regulations, title 16, section 2578, states:

7 "For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5
8 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be
9 considered to be substantially related to the qualifications, functions or duties of a licensed
10 psychiatric technician if to a substantial degree it evidences present or potential unfitness of a
11 licensed psychiatric technician to perform the functions authorized by his license in a manner
12 consistent with the public health, safety, or welfare. Such crimes or acts shall include but not be
13 limited to those involving the following:

14

15 "(c) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
16 violation of, or conspiring to violate any provision or term of Chapter 10, Division 2 of the
17 Business and Professions Code.

18

19 8. California Code of Regulations, title 16, section 2576.6, subdivision (b)(4) provides
20 that it is unprofessional conduct for a licensed psychiatric technician to abuse alcohol and/or
21 controlled substances.

22 9. California Vehicle Code section 23152, subdivision (a), provides that “[i]t is unlawful
23 for any person who is under the influence of any alcoholic beverage or drug, or under the
24 combined influence of any alcoholic beverage and drug, to drive a vehicle.”

25 10. California Vehicle Code section 23103, subdivision (a), states that “[a] person who
26 drives a vehicle upon a highway in willful or wanton disregard for the safety of persons or
27 property is guilty of reckless driving.

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1 **DRUG STATUTES**

2 11. Heroin is a Schedule I controlled substance as designated by California Health and
3 Safety Code section 11054(c)(11) and is categorized as a dangerous drug pursuant to Business
4 and Professions Code 4022.

5 12. Oxycontin (Oxycodone) is a Schedule II controlled substance as designated by
6 California Health and Safety Code section 11055(b)(1) and is categorized as a dangerous drug
7 pursuant to Business and Professions Code 4022.

8 13. Dilaudid (Hydromorphone) is a Schedule II controlled substance as designated by
9 California Health and Safety Code section 11055(b)(1) and is categorized as a dangerous drug
10 pursuant to Business and Professions Code 4022.

11 14. Xanax (Alprazolam) is a Schedule IV controlled substance as designated by
12 California Health and Safety Code section 11057(d)(1) and is categorized as a dangerous drug
13 pursuant to Business and Professions Code 4022.

14 15. Suboxone is a brand name for a medication containing a combination of
15 Buprenorphine and Naloxone. Buprenorphine is a schedule IV controlled substance as designated
16 by California Health and Safety Code section 11058(d) and is categorized as a dangerous drug
17 pursuant to Business and Professions Code 4022.

18 16. California Health and Safety Code section 11550(a) prohibits the non-prescription use
19 of controlled substances.

20 **COST RECOVERY**

21 17. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
22 administrative law judge to direct a licentiate found to have committed a violation or violations of
23 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
24 enforcement of the case.

25 **FIRST CAUSE FOR DISCIPLINE**

26 **(Criminal Conviction)**

27 18. Respondent is subject to disciplinary action under section 4521, subdivision (f), in
28 that Respondent has been convicted of a criminal offense substantially related to the

1 qualifications, functions and/or duties of a licensed psychiatric technician. The circumstances are
2 as follows:

3 a. Pursuant to a plea agreement, on or about May 3, 2010, in the criminal proceeding
4 entitled *The People of the State of California v. Amanda Leigh Carvel* (Super. Ct. San Luis
5 Obispo County, 2010, No. M000442790), Respondent was convicted of violating Vehicle Code
6 section 23103 [reckless driving]. As a result of this conviction, Respondent was fined and
7 sentenced to 18 months probation.

8 b. The circumstances underlying this conviction are that on or about January 2, 2010,
9 Respondent was arrested after California Highway Patrol Officers found her vehicle stopped and
10 facing the wrong way in the center divide of Highway 101 in San Luis Obispo County. The
11 arresting officer arrived on the scene and found Respondent dazed, confused and unable to walk
12 on her own. The officer further observed that Respondent had a heavy slur in her speech and that
13 she could not explain what had happened to her vehicle. Respondent indicated to the officer that
14 she had taken a variety of prescription medications that day, including Xanax, Prozac, Klonopin,
15 Ambien and Clonazepam. Respondent was arrested and charged with violating Vehicle Code
16 section 23152(a) [driving under influence of drugs/alcohol].

17 c. On or about August 31, 2010, in the criminal proceeding entitled *The People of the*
18 *State of California v. Amanda Leigh Carvel* (Super. Ct. San Luis Obispo County, 2010, No.
19 F000450976), Respondent entered a guilty plea and was convicted of violating Health and Safety
20 Code section 11350(a) [possession of controlled substance]. As a result of this conviction,
21 Respondent was sentenced to 36 months probation and ordered to abstain from drug and alcohol
22 use.

23 d. The circumstances underlying this conviction are that on or about August 25, 2010,
24 Respondent underwent a "fitness for duty" screening upon arriving for work at the Atascadero
25 State Hospital. After a K-9 with the Atascadero State Hospital Police Department made a
26 positive indication on Respondent's vehicle, Respondent signed a Consent to Search form.
27 During the search of Respondent's vehicle, officers located two hypodermic needles, Dilaudid
28 pills and Oxycontin for which Respondent did not have a prescription. Respondent was arrested

1 and taken to the San Luis Obispo County Jail. While talking to officers, Respondent admitted
2 that she was addicted to opiates.

3 e. On or about February 1, 2011, in the criminal proceeding entitled *The People of the*
4 *State of California v. Amanda Leigh Carvel* (Super. Ct. San Luis Obispo County, 2011, No.
5 F000456223), Respondent entered pleas of nolo contendere and was convicted of violating: (1)
6 Health and Safety Code section 11350(a) [possession of controlled substance]; and (2) Vehicle
7 Code section 23152(a) [driving under influence of drugs/alcohol]. As a result of these
8 convictions, Respondent was sentenced to 56 days in jail and 36 months probation.

9 f. The circumstances underlying these convictions are that on or about January 16,
10 2011, Respondent was stopped by the City of Arroyo Grande Police Department after officers
11 observed Respondent's vehicle weaving all over the road. The arresting officer performed a
12 diagnostic examination of Respondent and concluded that she was under the influence of a
13 controlled substance. Respondent was arrested, and during a search of her vehicle officers
14 located a cloth bag containing heroin, a spoon, two hypodermic needles and several prescription
15 medications, including Xanax and Suboxone, that were not prescribed to Respondent.

16 **SECOND CAUSE FOR DISCIPLINE**

17 **(Unlawful Possession and Use of Controlled Substance)**

18 19. Respondent is subject to disciplinary action under section 4521, subdivision (a)(4), in
19 that Respondent possessed and administered to herself, in violation of law, controlled substances
20 and dangerous drugs. Complainant refers to and by this reference incorporates the allegations set
21 forth above in paragraph 15, subdivisions a through f, inclusive, as though set forth fully herein.

22 **THIRD CAUSE FOR DISCIPLINE**

23 **(Dangerous Use of Drugs/Alcohol)**

24 20. Respondent is subject to disciplinary action under section 4521, subdivision (a)(5), in
25 that Respondent administered to herself controlled substances in a manner and/or to an extent that
26 was dangerous to herself and the public. Complainant refers to and by this reference incorporates
27 the allegations set forth above in paragraph 15, subdivisions a through f, inclusive, as though set
28 forth fully herein.

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FOURTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Drug Abuse)

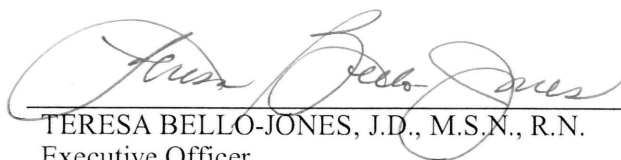
21. Respondent is subject to disciplinary action under California Code of Regulations, title 16, section 2576.6, subdivision (b)(4), in that Respondent abused controlled substances. Complainant refers to and by this reference incorporates the allegations set forth above in paragraph 15, subdivisions a through f, inclusive, as though set forth fully herein.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians issue a decision:

1. Revoking or suspending Psychiatric Technician License Number PT 33049, issued to Amanda Leigh Carvel;
2. Ordering Amanda Leigh Carvel to pay the Board of Vocational Nursing and Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: June 27, 2011 _____



TERESA BELLO-JONES, J.D., M.S.N., R.N.
Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant

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